

# NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

## *Minutes of Meeting*

March 10, 2006

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### Attendance:

**Med Kopczynski, NH Municipal Association, Acting Chair**

Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician

Thomas S Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire

Wes Golomb, Public Utilities Commission, State energy conservation code office

Joel Fisher, Board of Engineers, licensed structural engineer

Laura A. Black, PE - Board of Engineers, licensed electrical engineer

Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design

Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

John Tuttle, NH Home Builders Association, Architectural designer - residential

Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber

Wayne A. Richardson, NH Building Officials Association, municipal building official

### Excused:

**Robert Clegg, Chairman, Department of Safety**

Jerry Tepe, Board of Architects, licensed architect

James Petersen, PE, Board of Engineers, licensed mechanical engineer

Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

### Absent:

Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician

Mark Tibbetts, NH Association of Fire Chiefs, municipal volunteer fire chief

### Guests:

Acting Chair Med Kopczynski declared a quorum with 10 members present and called the meeting to order.

### **GENERAL MEETING:**

#### Adoption of meeting minutes from February 10, 2006.

Wes Golomb **Moved** that the minutes be approved. Mark Weissflog **Seconded** the **Motion**.

Hearing no comments or discussion on the minutes Acting Chairman Kopczynski asked for a vote. Vote was Unanimous, and as such, declared accepted.

### **OLD BUSINESS:**

#### Legislation in the works

**Home Improvement contracts (2005 - HB 177):**

This piece of legislation is now LAID ON THE TABLE - effectively killing the Bill.

**Regulation of home inspectors (2005 - HB 642):**

March the 15<sup>th</sup> is a subcommittee work session in room 306 of the LOB at 9:00 am.

**Membership of the State Building Code Review Board (HB 1134):**

This has passed the House and is now in the Senate. Hearing is scheduled for March 29<sup>th</sup> in room 103 State House - at 10:45.

**Municipal enrollment in National Flood Insurance Program (HB 1330):**

Passed the House - needs to go to the Senate. Being in Government, there is opposition to the Bill. Some towns are voting on this Bill next week (town elections). Med explained why he, and others in city government are vehemently opposed to the Bill. Within 30 days, they received a notification in the mail from OEP telling the City of Keene of errors that they judged to be in their flood ordinance. One was the Appeal process. They felt there should be an appeal process whereby variances to the ordinance could be applied to which the city officials oppose. They do not want to variances issued to the flood plane. OEP was insisting that they provide a variance process as well as relocate their ordinance completely into the zoning code. What the Bill would do is to force towns upon adoption, to put it into your zoning code. Enforcement would become an issue with appeals and interpretations are made.

**Resolving disputes regarding construction defects homeowners/contractors (HB 1537):**

Bill has been KILLED.

**Handrails for stairways (HB 1653):**

Bill has been KILLED.

**Licensing of Gas Fitters (HB 1711):**

PASSED the House with amendments - has not been assigned to a Senate Committee yet.

**International Residential Code (SB 234):**

This Senate Bill is now scheduled for a Public Hearing on March 28<sup>th</sup> at 10:00 in room 306 of the legislative office building, which is the House - Executive Department and Administration. Those Board members who can attend this hearing - will do so to show support.

**Regulation of Plumbers and water treatment technicians by the plumbers board (SB 359):**

This Senate Bill is now scheduled for a Public Hearing on March 28<sup>th</sup> at 2:00 in room 306 of the legislative office building, which is House - Executive Department and Administration. And when members show up - Mike Santa will be buying lunch. Rick Swain concurs.

**NEW BUSINESS**

*Summer Hiatus:*

**Motion** was made by Mark Weissflog to not meet during the months of July and August - unless there was a special need and the Chair would make that determination. **Motion** was

**Seconded** by Tom Lambert. Wes Golomb asked how this would impact the newer codes, the 2006 Codes and working on them. Wayne Richardson said that sub-committees could be set up to work on the Code updates during those months if needed, but there should not be a need to call the entire Board in for a meeting for the updates. Marta clarified that if the Board adopts a Code, or any amendments to a Code, a Public Hearing would be held, and then it would get ratified by the legislature which happens every 2 years. If the legislature does not ratify into law or codified, it dies. Mike Santa will obtain the documents for the Committee.

## OTHER BUSINESS

### Update on Walter Fisher appeal.

Marta updated the Board and said the Superior Court remanded the decision of whether or not the Trust could have a waiver. Copies were handed out for all Board members.

### New Item:

Mike Santa brought before the Board that there seems to be confusion on how to protect shafts in buildings that are required to have shafts. Manchester and Hanover have both had these issues come up. The question revolves around what is required to protect the shaft - just a fire damper or is it a fire damper/smoke damper combination. What printing of the Code did the State adopt? Wes Golomb said in the Energy Code the 1<sup>st</sup> printing that would have effectively limited all residential to the IRC away from the Energy Code. The in the 2<sup>nd</sup> printing that was gone and this Board adopted the 2<sup>nd</sup> printing. All the errata that were accumulated at that time were included. Rick Swain explained that we did not adopt a printing - it was the Code - the errata are all the mistakes that had been made to the Code Book. Tedd Evans asked if these errata are established when they publish the 1<sup>st</sup> Edition, or are they errata that crop up during the review of the initial printings - and are issued subsequent to the printing. Perhaps the Board should specify this at the next adoption. Wayne Richardson said that the 2000 Codes were the 1<sup>st</sup> go-rounds with the ICC. The next time will be 6 years. Mike Santa wondered how architects deal with this. He is going to get a formal interpretation from the ICC.

A **Motion** to adjourn the meeting for an attorney-client privileged discussion and legal advise was made by Tedd Evans. **Motion** was **Seconded** by Wayne Richardson. Vote taken was **Unanimous** in favor and so declared. Recorder was shut off for this discussion.

Chairman Kopczynski declared the meeting back to Order. Laura Black read that RSA 155:A (2)(3) states that any conflict between the State Building Code and the State Fire Code - the State Fire Code shall take precedence. Caution has to be made with the wording of 'conflict'.

Tom Lambert brought up the issue of emails / telephone calls coming before the Board. The concern is that this Board is an appellant Board, and should we be giving out much information or opinions - that could come back to us later on - or is this caution in dealing with. Wayne Richardson said he feels most of these he does not weigh in on them because its not this Boards position. Emails can become public record, and you should think of them as such when you write them.

Guidance should be what the Board provides rather than opinion. Marta reiterated that we need to make sure that we do not give legal opinions and refer them to the source material where the information can be obtained.

## **ADJOURNMENT**

**Motion** to adjourn was accepted by the Chair. Being duly **Seconded** - vote taken was **Unanimous**. Meeting was declared adjourned by the Chair.

**Next Meeting Dates: April 14, May 12\*, June 9, and September 8.**  
**Starting with the May 12<sup>th</sup> meeting - the location will be in the 2<sup>nd</sup> floor conference room.**